

REMARKS

Claims 17 to 46 are presently in the application; claims 17 to 24 stand withdrawn as being directed to a method; apparatus claims 35 to 39 and 45 and 46 stand provisionally withdrawn from consideration as being directed to an unelected species. It is believed that claim 25, at least, is and remains generic to all species and embodiments. A new claim 47 is entered hereby, directed to the hinge of the clamp being a single hinge, and claim 40 is amended to depend from new claim 47; support is clearly provided in the application as filed.

Claims 25, 26, 28 to 31 and 40 have been amended. Claim 25 has been amended to incorporate the limitations that the top and bottom faces clampingly engage the at least one catheter.

Claims 25 to 33 and 41 to 44 stand rejected under 35 USC §102(b) as being anticipated by Boswell (U.S. Patent No. 5,226,892). [It is believed that claim 40 must also be considered to be included under this ground of rejection, since claims 41 to 44 are dependent therefrom.] Claim 34 stands rejected under 35 USC §103(a) as being unpatentable over Boswell in view of Turturro et al (U.S. Patent No. 6,331,165).

Reference Boswell sets forth a clamp for laparoscopy tubing in surgical procedures, having a folded plastic frame having top and bottom sections and side portions joined at hinge portions and which also has a locking section to completely enclose a tubing-receiving area, with foam pads affixed to the top and bottom portions that frictionally engage the tubing without compressing the tubing in any manner that deforms the tubing, as is important with laparoscopy tubing since it contains therein delicate optical fibers sensitive to pressure, among other effects. At column 4, lines 5 to 38 the reference discusses the interaction of the foam pads with the tubing, wherein the foam padding uses accumulated friction to hold the tubing but is itself distorted by the tubing, thus accommodating varying diameters of tubing. The reference contrasts this interaction with the prior art clamps having tubing notches required to be sized to specific diameters of tubing.

With respect to claim 25 as amended, the reference does not disclose that the top and bottom sections clampingly engage the tubing; instead, the reference expressly and intentionally sets forth that the foam pads are affixed to the top and bottom sections to engage the tubing, **without compression of the tubing** but only sufficiently to establish a frictional engagement. Thus, the reference does not disclose clamping engagement, and instead expressly teaches away from clamping engagement. Applicants respectfully traverse the rejection of claim 25.

With respect to claims 26 and 29, the reference does not set forth a recessed area in the top face of at least one clamping member, or both thereof, for receipt therein of an object to be secured; these claims also incorporate the limitations of claim 25 including clamping engagement. Instead, the reference expressly discloses foam pads affixed to the top and bottom portions that do not define any recessed area(s) but that engage the tubing and are distorted thereby. Regarding claims 28 and 31, the reference also does not disclose a rib extending from such recessed area(s). Applicants respectfully traverse the rejection of claims 26 to 31.

With respect to claims [40,] 41 to 44 (and new claim 47), the reference discloses three hinges, not a single hinge. When the locking section of the clamp of the reference is fully considered as a whole, it is believed that the reference does not disclose all limitations of the subject claims. Further with respect to claim 44, the reference discloses in Figure 4, although not discussed, that the portion containing the slot is adapted to be biased to unlock the locking section, not the vertical tab. For these reasons, Applicants respectfully traverse the rejection.

Reference Turturro et al has been discussed in the preceding Response dated August 21, 2006. With respect to claim 34, references Boswell and Turturro et al have been discussed, and reference Boswell distinguished. Claim 34 depends from claim 25 which is believed to distinguish patentably over the art, and is therefore itself believed to so distinguish.

The remaining reference cited by the Office Action but not applied, is acknowledged and has been reviewed.

Please charge the requisite fee of \$50 for the additional dependent claim, to **Deposit Account No. 502434**. A duplicate copy of this page is enclosed herewith.

No new matter has been entered by the present amendment, and allowance of the application is respectfully requested.

Respectfully submitted,

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February 12, 2007
(Date)

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